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DENIED
BY ORDER OF THE COURT

*The Court will rule on the papers and no appearance
will be required. 11/21/18*

Attorneys for Plaintiff SUSAN WALPERT



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SUSAN WALPERT,
Plaintiff,

vs.

JAGUAR LAND ROVER NORTH
AMERICA, LLC, and DOES 1
through 50, inclusive,
Defendants.

Case No.: CV-18-8998-JFW (MAAx)

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S COMBINED MOTION
FOR LEAVE TO AMEND AND
MOTION TO REMAND TO LOS
ANGELES SUPERIOR COURT**

Date: December 17, 2018
Judge: Hon. John F. Walter
Time: 1:30 p.m.
Location: Courtroom 7A

Complaint Filed: September 12, 2018
Trial Date: None Set

1 Plaintiff Susan Walpert's ("Plaintiff") Combined Motion for Leave to
2 Amend and Motion to Remand to Los Angeles Superior Court ("Motion") came on
3 for hearing before this Court, Nancy Zhang appearing for Plaintiff and
4 _____ appearing for Defendant Jaguar Land Rover North
5 America, LLC ("Defendant"). After consideration of the briefs and arguments of
6 counsel, and all other matters presented to the Court, IT IS HEREBY ORDERED
7 that Plaintiff's Motion be GRANTED in its entirety.

8 Specifically, Plaintiff's Motion for Leave to Amend to join Hornburg Jaguar
9 / Land Rover ("Hornburg") and add Hornburg to the caption page of the Complaint
10 is granted pursuant to 28 U.S.C. § 1447(e) on the grounds that: (1) Hornburg is
11 needed for just adjudication of this matter; (2) Plaintiff's proposed amendment is
12 timely; (3) Plaintiff's claims against Hornburg are facially legitimate; (4) joinder
13 was not sought solely to defeat jurisdiction; and (5) denial of joinder will prejudice
14 Plaintiff. Plaintiff's proposed First Amended Complaint, attached as Exhibit 2 to
15 the Declaration of Nancy Zhang, is deemed filed as of the date of this order.

16 Further, Plaintiff's Motion to Remand is granted on the following grounds:
17 (1) removal was improper in the first instance because Defendant failed to carry its
18 burden of showing that the 28 U.S.C. § 1332 amount in controversy exceeds
19 \$75,000; (2) inclusion of Hornburg divests this Court of diversity jurisdiction; and
20 (3) the absence of a claim under the Magnuson-Moss Warranty Act divests this
21 Court of federal question jurisdiction and supplemental jurisdiction over Plaintiff's
22 State Law Claims.

23 Based on the foregoing, the Court remands this case to the Los Angeles
24 Superior Court.

25 IT IS SO ORDERED.

26 DATED: _____

DENIED

Hon. John F. Walter
United States District Judge